



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 8

1240 East 9th Street - Room 1695

Cleveland, OH 44199-2086

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www.nlrb.gov

March 20, 2008

John C. Marotta
Plumbers' Local 55 JATC
980 Keynote Circle
Cleveland, OH 44131

Re: Plumbers' Local 55 JATC
Case No. 8-RM-1108

Dear Sir or Madam:

The above-captioned case, petitioning for an investigation and certification of representative under Section 9 of the National Labor Relations Act, has been carefully investigated and considered.

The Petition requests an election in the following bargaining unit:

One secretary but excluding all instructors, guards, management and professional employees, and supervisors as defined in the Act.

The Union confirmed that the permanent size of the unit is one employee. It is contrary to Board policy to certify a representative for bargaining purposes in a single person unit. See the Representation Manual, Section 12-231.

The Employer and the Union confirmed that a Collective Bargaining Agreement is in effect until May 31, 2009. The evidence also establishes that the single employee in the unit was permanently laid off on February 22, 2008. The Contract bars further processing of the petition. There is no question concerning representation because there are no employees in the unit.

Therefore, based on all the above, I am refusing to further process the petition.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional

Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on **April 3, 2008**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board web site at www.nlrb.gov. On the home page of the website, select the **E-Gov** tab and click on **E-Filing**. Then select the NLRB office for which you wish to E-File your documents. Detailed E-Filing instructions explaining how to file the documents electronically will be displayed.

Very truly yours,

Frederick J. Calatrello
Regional Director

FJC:cjc

cc: Executive Secretary
National Labor Relations Board
Washington DC 20570

Caroline Jones and/or Vivian Grubbs
Office and Professional Employees
International Union, Local 1794
2012 West 25th Street
Cleveland, OH 44113